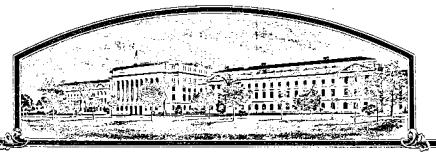
No.



7400061

THE UNIVER STRAITES OF AMIERICA

TO MULTOWHOM THESE PRESENTS SHALL COME: Herry Morse Seed Company

Colherens, there has been presented to the

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF SEVENCEON YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Tenderblue'

In Lestimony Mincroot, I have hereunto set my hand and caused the seal of the Plant Unriety Protection Office to be affixed at the City of Washington this sixth day of March in the year of our Lord one thousand nine hundred and seventy-five

East ! Brig

Commissioner Office Stant Variety Protection Office Grain Division

Agricultural Marketing Service

Tenderblue - Snap Bean
Application for Plant Variety
Protection Certificate
1/21/74
740006

VARIETY: Tenderblue (formerly designated as E1210)

EXHIBIT A: Origin and Breeding History of the Variety

Selected as a single plant selection, involving the pedigree method of breeding, from a cross made in 1966 between the variety Bush Blue Lake 274 as the seed parent and the pedigreed line IH-25B(C)MsMsMsMs (later named Avalanche) as the pollen parent.

Seed of selected F₁ plants were bulk-massed in the F₂ generation. The F₄ progeny row from a single F₃ plant selection was noteworthy for its plant and pod-type and was uniform for type; its seed was bulk-massed. The F₅ progeny row maintained its uniformity for type and the decision to increase the line as a possible new variety was made on August 31, 1971.

The first generation of increase (F_6) was inoculated and found resistant to the New York strain of Common Bean Mosaic Virus (BV-lA) and no variants were found in 2500 plants.

UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE GRAIN DIVISION HYATTSVILLE, MARYLAND 20782

FORM APPROVED OMB NO. 40-R3712

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

APPLICATION I	2 KIND NAME		FOR OFFICIA	L USE ONLY
VARIETY NAME OR TEMPORARY DESIGNATION	Snap Bean		PV NUMBER 400	1061
Tenderblue	Snap Bean	micel)	FILING DATE	TIME 2
GENUS AND SPECIES NAME	Leguminosa		2.6.74	PALANCE DIE
Phaseolus vulgaris L.	_		FEE RECEIVED	BALANCE DUE
	S. DATE OF DETERM	INATION	15 <u>45U</u>	\$
	31 August		350	\$
	JI WARASE		City, State, and ZIP	B. TELEPHONE AREA
6. NAME OF APPLICANT(S)	7. ADDRESS (Street an	O Par 100	, , course some all	CODE AND NUMBER
Ferry-Morse Seed Compan	ny ^{Code)} P.	O. BOX IUU	rse Way	(415)
Dr. George C. Emery,	11	1 Ferry-Mo	w, California	
Breeder	Mo	uncain vie	94040	
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			· -	11. DATE OF INCOR-
9. IF THE NAMED APPLICANT IS NOT A PE	RSON, FORM OF	10. STATE OF INC	ORPORATION	PORATION
ORGANIZATION: (Comporation, parties			rni s	7 April 196
Corporation	_	Califo	o in this analisation -	and receive all papers:
Corporation 12. Name and mailing address of application	cant representative(s	s), if any, to serv	e in this application a	• •
13. CHECK BOX BELOW FOR EACH ATTAC 13A. Exhibit A, Origin and Brown Bro	eeding History of the		ction 52 of the Plant V	Variety Protection Act.)
13A. Exhibit A, Origin and Brown 13B. Exhibit B, Botanical Dec	scription of the Varionscription of the Vario	ety .	ction 52 of the Plant V	Janety Protection Act.)
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Tenderblue - Snap Bean Application for Plant Variety Protection Certificate 1/21/74

7400061

VARIETY: Tenderblue (formerly designated as E1210)

EXHIBIT B: Botanical Description of the Variety

Seed germination and emergence are moderately rapid, early seedling growth is vigorous. Time of flowering is similar to Tendercrop. Pods attain mature size at the same time as, but seed and fiber development is slightly slower than, Tendercrop.

Plants are determinate, bush, erect, medium tall (16-22 inches) with a medium spread. The mature plant is similar in height to Tendercrop. Foliage is slightly darker green, slightly heavier and more coarse than Tendercrop; leaflets are deltoid ovate, acuminate, with rounded or truncate bases. Occasional variegated leaflets occur as described in the variety <u>U.S. No. 5 Refugee</u>. Stems and leaves are slightly pubescent. Inflorescences arise from the apex and leaf axils and contain 4 to 8 white flower buds. Pods are borne medium to high in the plant and only occasionally touch the soil.

Pods are stringless, 5 3/4 to $6\frac{1}{4}$ inches in length, round to slightly creaseback, 7/16 to 9/16 inches in diameter in cross-section and 7/16 inches from suture to suture. The neck and spur are medium in length. The pod surface is smooth, and slightly pubescent. Pod color is medium blue green. Compared to Tendercrop, pods average approximately $\frac{1}{2}$ to 3/4 inches longer, slightly less creaseback, slightly lighter green with more of a blue hue, and have a shorter spur.

The seeds are white, round in cross-section, oblong, and are similar in shape and size to Tendercrop.

¹Wade, B.L. 1941. Genetic studies of variegation in snap beans. Jour. Agr. Res. 63:661-669.

EXHIBIT C

INSTRUCTIONS: See Reverse.

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL MARKETING SERVICE GRAIN DIVISION HYATTSVILLE, MARYLAND 20782

OBJECTIVE DESCRIPTION OF VARIETY

BEAN (PHALEOLUS VULGARIS)

NAME OF APPLICANT(S) FOR OFFICIAL USE ONLY Ferry-Morse Seed Company, Dr. George C. Emery PVPO NUMBER ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 7400061 VARIETY NAME OR TEMPORARY DESIGNATION

P.O. Box 100 111 Ferry-Morse Way TENDERBLUE 94040 Mountain View, California Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in first box (e.g. 0 8 9 or 0 9) when number is either 99 or less or 9 or less. 1. TYPE: 1 1 = SNAPBEAN 2 = GREEN SHELL 3 = DRY EDIBLE 4 = MULTIPURPOSE 2. SEASON AND REGION OF ADAPTABILITY IN THE U.S.: 2 Grows best during: 1 = SPRING 2 = SUMMER 3 = FALL 4 = WINTER 3 = NORTHEAST 4 = SOUTHEAST 2 = NORTHCENTRAL 6 Best adapted in: 5 = SOUTHWEST 6 = MOST REGIONS 3. MATURITY (Days from seeding to first harvest): 5 3 GREEN PODS GREEN SHELLS CANIATIN VAILEY, 50 NO. DAYS EARLIER THAN -----0 1 .1 1 = TENDERCROP 2 = KENTUCKY WONDER 3 = KINGHORN WAY 4 = WHITE KIDNEY 5 = MICHELITE 62 7 0 3 NO. DAYS LATER THAN -----7 = BUSH BLUE LAKE 8 = OTHER (Specify) PLANT: 1 = DETERMINATE, ERECT BUSH 2 = DETERMINATE, SPRAWLING BUSH 1 3 = DETERMINATE, SEMIPOLE 4 = INDETERMINATE, POLE CM. HEIGHT OR LENGTH OF VINE FROM PRIMARY LEAF NODE 0 CM. SPREAD 0 NUMBER PRIMARY BRANCHES PER MAIN STALK 5 0 NUMBER INTERNODES ON MAIN STALK BETWEEN PRIMARY LEAF AND BASE OF Branching habit: 1 = COMPACT 0 6 2 = OPEN TERMINAL INFLORESCENCE CM. LENGTH OF FIRST INTERNODE ABOVE PRIMARY LEAF MM. STALK DIAMETER ABOVE 0 9 FIRST TRIFOLIATE LEAF [1 | Main stalk: 1 = BRITTLE 2 ≈ WIREY 1. STOUT 2. THIN Flower position: 2 = HIGH, CONCENTRATED 1 = LOW, CONCENTRATED 3 = SCATTERED Pod Position: 5. LEAVES: 1 1 = SMOOTH 2 = WRINKLED 2 Thickness: 1 = THIN 2 = MEDIUM 3 = THICK 1 = DULL 2 = GLOSSY CM. PETIOLE LENGTH Size: 1 = SMALL (Earliwax) 2 = MEDIUM 3 ≈ LARGE (Tendercrop) 14 (To basal leaflets of first trifoliate leaf) Tip shape of center leaflet: 1 = ROUNDED 3 = SHARP POINTED 2 = TAPER POINTED PUBESCENCE - Dorsal: 1 = NONE 2 = SLIGHT 3 = CONSIDERABLE

PUBESCENCE - Ventral:

Color: 1 = LIGHT GREEN (Bountifut) 2 = MEDIUM GREEN

3 = DARK GREEN (Bush Blue Lake)

VARIETY: Tenderblue (formerly designated as E1210)

REVISED

EXHIBIT D: Data Indicative of Novelty

Tenderblue most closely resembles the variety Bush Blue Lake 274. It is distinct from Bush Blue Lake 274 in having a more round pod, wider pod from suture to suture, and a slightly lighter pod color. In addition the seed of Tenderblue is larger and heavier, with a greater width and width/thickness index than Bush Blue Lake 274.

•	TENDERBLUE	BBL 274	<u>d</u>	_ <u>s</u>
Pod width (sieve-4) (between sutures)	8.5 mm	7.9 mm	0.06	0.022
Pod Width X 10	5.4	4. 6	0.67	0.20

(Measurements were made in the greenhouse with a minimum night temperature of 55°F at San Juan Bautista, Calif. The seed was planted March 27, 1974 and pods measured May 23, 1974. Measurements represent 10 paired comparisons.)

	TENDERBLUE	BBL 274	d	sā	<u>n</u>
Seed weight (mg)	385.2	309.4	75.78	16.62	50
Seed width (mm)	5.4	4; • 3	1.1	0.179	10
Seed width/thickness	1.003	0.851	0.149	0.038	10

September 6, 1974

Tenderblue - Snap Bean Application for Plant Variety Protection Certificate 1/21/74

Plant Variety Protection Application
No: 740061

ASSIGNMENT

I, DR. GEORGE C. EMERY, agree and hereby do
transfer and assign to FERRY-MORSE SEED COMPANY all of
my rights, title, and interest in and to that certain
variety namely,,
for which application for Plant Variety Protection Certificate
has been filed. This agreement shall be binding on my
administrators, successors and assigns.
In Witness Whereof, I have executed this agreement this
day of January 2/, 19 <u>74</u> .

BREEDER

ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and

existing under the laws of the State of Maryland, having its principal place of business at 4511

Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain

Bill of Sale and Assignment dated as of June 30, 1997, transferred to FERRY-MORSE SEED

COMPANY (CALIFORNIA), a corporation duly organized and existing under the laws of the

State of California, having its principal place of business at 555 Codoni Avenue, P.O. Box 4938,

Modesto, California 95352-4938 ("Assignee"), all of the intellectual property Assignor had

adopted, used and was using as of the effective date of this Assignment, including without

limitation, the intellectual property represented by the United States Plant Variety Protection

Certificates of Assignor identified on Schedule A hereto (collectively, the "Property"); and

WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed

Company";

NOW, THEREFORE, effective by this instrument as of the close of business on

June 30, 1997, and for good and valuable consideration, receipt of which is hereby

acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest

worldwide in and to the Property and any and all recordations thereof, including, but not limited

to, the use of the Property in any manner, all benefit of any and all prior use of the Property, and

any and all rights to initiate claims or proceedings for past, present or future infringements of

Assignor's rights, title and interest in and to the Property.

Dated: as of June 30, 1997

HARRIS MORAN SEED COMPANY

NEWY01A:171511:1:09/26/97 26757-1

VACCOIN

CERTIFICATE OF AMENDMENT

OF THE

ARTICLES OF INCORPORATION

) F

FERRY-MORSE SEED COMPANY (CALIFORNIA)
(a California corporation)

ENDORSED
FILED
In the office of the Secretary of the

In the office of the Secretary of State of the State of California

JUN 3 0 1997

BILL DHES September of Street

To the Secretary of State State of California

Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

- The name of the Corporation is Ferry-Morse Seed Company (California).
- 2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:

One. The name of this Corporation is: HARRIS MORAN SEED COMPANY.

- The amendment herein provided for has been approved by the Corporation's Board of Directors.
- 4. The amendment herein provided for was approved by the written consent of the Corporation's sole shareholder in accordance with the provisions of Section 902 of the California General Corporation Law. The total number of outstanding shares of the corporation is 5,000.

IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

1997, in the Town of Modesto, State of California, in the official capacity set forth beneath his or her signature and that the statements set forth in this certificate are true of his or her own knowledge.

Yves Queste, President

Helen Andritsakis, Secretary



SECRETARY OF STATE



I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

> IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

> > JUN 3 0 1997



Bill) mes

Secretary of State

INSTRUCTIONS,

GENERAL: Send an original copy of the application, exhibits and \$250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, 6525 Belcrest Road, Hyattsville, Maryland 20782. (See Section 180.175 of the regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

20

- Insert the date the applicant determined that he had a new variety based on the definition in Section 41 (a) of the Act and decision is made to increase the seed.
- 13a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.
- 13b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.
- 13c A supplemental form will be furnished by the 2VPO to describe in detail a variety for each kind of seed.
- 13d Provide complete data indicative of novelty. Seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty may be submitted. Seeds submitted may be sterile.
 - 13e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.

Placolos willing it. Separations

AFREE BURGAR

4.3.

FORM GR-470-12

UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE

GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

EXHIBIT C

OBJECTIVE DESCRIPTION OF VARIETY

BEAN (PHALEOLUS VULGARIS)

INSTRUCTIONS: See Reverse. NAME OF APPLICANT(S) FOR OFFICIAL USE ONLY Ferry-Morse Seed Company, Dr. George C. Emery PVPO NUMBER ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 7400061

P.O. Box 100 VARIETY NAME OR TEMPORARY DESIGNATION 111 Ferry-Morse Way TENDERBLUE 94040

Mountain View, California Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in first box (e.g. 0 8 9 or 0 9) when number is either 99 or less or 9 or less. 1. TYPE: 1 1 = SNAPBEAN 2 = GREEN SHELL 3 = DRY EDIBLE 4 = MULTIPURPOSE 2. SEASON AND REGION OF ADAPTABILITY IN THE U.S.: 2 1 = SPRING Grows best during: 2 = SUMMER 3 = FALL 4 = WINTER 1 = NORTHWEST 2 = NORTHCENTRAL 6 3 = NORTHEAST 4 = SOUTHEAST Best adapted in: 5 = SOUTHWEST 6 = MOST REGIONS MATURITY (Days from seeding to first harvest): 5 3 GREEN PODS GREEN SHELLS DRY SEEDS CHILDIN VAILEY, 50 NO. DAYS EARLIER THAN ------ 1 1 = TENDERCROP 2 ≠ KENTUCKY WONDER 3 = KINGHORN WAY 4 = WHITE KIDNEY 6 = DWARF HORTI-5 = MICHELITE 62 NO. DAYS LATER THAN ----- 17 7 = BUSH BLUE LAKE 8 = OTHER (Specify) 1 = DETERMINATE, ERECT BUSH 3 = DETERMINATE, SEMIPOLE 2 = DETERMINATE, SPRAWLING BUSH 1 4 = INDETERMINATE, POLE CM. HEIGHT OR LENGTH OF VINE FROM PRIMARY LEAF NODE 0 | 5 | NUMBER PRIMARY BRANCHES PER MAIN STALK CM. SPREAD 5 0 NUMBER INTERNODES ON MAIN STALK BETWEEN PRIMARY LEAF AND BASE OF Branching habit: 1 = COMPACT 2 = OPEN 6 TERMINAL INFLORESCENCE CM. LENGTH OF FIRST INTERNODE ABOVE PRIMARY LEAF MM. STALK DIAMETER ABOVE |0|9| FIRST TRIFOLIATE LEAF 1 1. STOUT Main stalk: 1 = BRITTLE 2 = WIREY 2. THIN 3 | Flower position: 1 = LOW. CONCENTRATED 2 = HIGH, CONCENTRATED 3 = SCATTERED 3 | Pod Position: LEAVES: 1 = SMOOTH 2 = WRINKLED 1 2 Thickness: 1 = THIN 2 = MEDIUM 3 = THICK 1 = DULL 2 = GLOSSY 1 = SMALL (Earliwax) 2 = MEDIUM CM. PETIOLE LENGTH 3 = LARGE (Tendercrop) (To basal leaflets of first trifoliate leaf) Tip shape of center leaflet: 1 = ROUNDED 2 = TAPER POINTED 3 = SHARP POINTED

PUBESCENCE - Dorsal:

1 = NONE

2 = SLIGHT

3 = CONSIDERABLE

PUBESCENCE - Ventral:

Color: 1 = LIGHT GREEN (Bountiful)

2 # MEDIUM GREEN

3 = DARK GREEN (Bush Blue Lake)

FORM GR-470-12 (PAGE 2 OF 3 PAGES)

10. ANTHOCYANIN: (1 = Absent 2 = Present):			
1 FLOWERS 1 POD	s 1 seeds 1 LEAVES		
11. DISEASE RESISTANCE (0 = Not tested; 1 = Susceptible; 2 = Resistant).			
0 RUST (Specify race)	O ANGULAR LEAF SPOT		
0 BACTERIAL WILT	2 COMMON BEAN MOSAIC		
0 ANTHRACNOSE	O YELLOW BEAN MOSAIC		
0 SOUTHERN BEAN MOSAIC	0 FUSARIUM ROOT ROT		
O CURLY TOP	2 N.Y. 15 BEAN MOSAIC		
0 POWDERY MILDEW	BEAN MOSAIC VIRUS 4		
ALO BLIGHT	0 Fuscous BLIGHT		
ALFALFA MOSAIC VIRUS	0 ALFALFA MOSAIC VIRUS 2		
O POD MOTTLE VIRUS	0 RED NODE VIRUS		
O ROOT KNOT NEMATODE	OTHER (Specify)		
12. INSECT RESISTANCE: (0 = Not tested; 1 = Susceptible; 2 = 1	Resistant)		
O APHIDS	0 LEAF HOPPERS		
O POD BORER	0 Lygus		
0 THRIPS	0 WEAVILS		
O SEED CORN MAGGOT	OTHER (Specify)		
13. PHYSIOLOGICAL RESISTANCE: (0 = Not tested; 1 = Susceptible; 2 = Resistant)			
O HEAT O COLD O DRO	OUGHT OTHER (Specify)		

REFERENCES: The following publications may be used as a reference in completing this form:

- Beans of New York. Vol. 1 Part II of Vegetables of New York. U.P. Hedrick et al. J. B. Lyon Company, Albany, N.Y. 1931.
- 2. Yarnell, S. H., Cytogenetics of the Vegetable Crops IV. Legumes. Bot. Rev. 31:247 330. 1965.
- 3. USDA Yearbook of Agriculture. 1937.

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COLOR: Nickerson's or any recognized color fan may be used to determine the colors.

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